

United States District Court
Eastern District of California

Jesse Simkins,

Plaintiff,

vs.

No. Civ. S 04-1433 DFL PAN P

Order

Foothill Orthopedic Medical
Clinic, et al.,

Defendants.

-oOo-

Plaintiff is a prisoner proceeding in forma pauperis and
without counsel in a civil rights action.

The United States Marshal has returned process directed to
defendant D. Sydenstricker unserved because this defendant no
longer works at the Sierra Conservation Center and the department
of corrections could not locate him or her. Plaintiff must
provide new information about where this defendant may be served
with process. Plaintiff may seek such information through

1 discovery, the California Public Records Act, California
2 Government Code § 6250, et seq., or any other means available but
3 must proceed with haste because Fed. R. Civ. P. 4(m) requires an
4 action be dismissed as to a defendant not served within 120 days
5 after filing the complaint unless the time is enlarged based upon
6 a demonstration of good cause. If plaintiff's access to the
7 required information is denied or unreasonably delayed, plaintiff
8 may seek judicial intervention.

9 Accordingly:

10 1. The clerk of the court shall mail plaintiff one form
11 USM-285 and a copy of the pleading filed July 21, 2004.

12 2. Within 90 days from the date this order is signed,
13 plaintiff may submit the attached Notice of Submission of
14 Documents with a completed form USM-285 providing instructions
15 for service of process upon defendant D. Sydenstricker and two
16 copies of the pleading provided to plaintiff.

17 3. If plaintiff does not provide new instructions for
18 service of process upon defendant D. Sydenstricker within the
19 time allowed or show good cause for such failure I will recommend
20 this action be dismissed as to that defendant.

21 So ordered.

22 Dated: July 7, 2005.

23 /s/ Peter A. Nowinski

24 PETER A. NOWINSKI
25 Magistrate Judge
26

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No. Civ. S 04-1433 DFL PAN P

vs.

Notice of Submission of Documents

Foothill Orthopedic Medical
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Defendants.

-oOo-

Plaintiff hereby submits the following documents in
compliance with the court's order filed _____:

_____ completed summons form

_____ completed forms USM-285

_____ copies of the _____
Complaint

Dated: _____

Plaintiff